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Corporate Wide Area
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Business Internet Access

Virtual Internet Hosting

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April 11, 2001

Office of the Secretary
Federal Communication Commission
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Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: CC Docket Nos. 95-20; 98-10; DA 01-620

Dear Sir or Madam:

Thank you very much for this opportunity to comment on the need to update the nonstructural safeguards and requirements of Computer III and the Open Network Architecture (ONA). I regret not having more time to fully elaborate on the issues or to provide a comprehensive characterization of our business, but I hope you will consider my point of view in your deliberations. I am writing because I am concerned about the evident move toward re-monopolization, and the systematic elimination of competition in the telecommunications market.

Our company is one of the seven thousand or so independent Internet Service Providers (ISPs) that have come into existence as a result of the goals of the ONA and the Telecommunications Act. Having received access to basic telecommunication elements, these independent ISP's have become the primary factor in fostering competition, improving customer service and developing the Internet. Of the 79 million Internet users in the U.S. the vast majority get their services from Independent ISPs.

In regard to the your questions,

Has Open Network Architecture been effective in providing ISP's with access to basic telecommunication services?

My answer to the principal question in your request for comment has to be NO.

I first learned of the ONA when we received the email Public Notice approximately three weeks ago. No one I spoke with had any idea what ONA was or where I could acquire a copy of it. I called the FCC Common Carrier Bureau Policy and Programming Division telephone number at the end of the notice and I was instructed to look at FCC 98-8, Section seven and call Verizon for a copy of the ONA Users Guide. My contacts at Verizon were unable to provide any information on ONA. Only yesterday, after days of effort, were we able to find a copy of the ONA User Guide buried in the FCC databases.

I have since spoken with my Verizon Sales Representative and the Head of the Regulatory Department at Verizon New Hampshire. In both cases they were totally unaware of the nature of ONA or how it would be used help me. At a meeting of the NH ISP Association on Monday I asked eight other independent ISPs if anyone was familiar with ONA, no one knew what it was.

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Everyone I spoke with found it very interesting that even though ONA seems to have been aimed specifically at ISPs, not one had ever heard of it. The 1996 Telco Act on the other hand never mentions ISPs, but everyone knows something about it.

Should Open Network Architecture requirements be modified to extend unbundling rights?

My answer to this questions is YES.

I believe that the raw materials of competition in telecommunications are unbundled network elements. Providing them to Independent ISPs would significantly stimulate the expansion of the Internet. The accomplishments of ISPs thus far would be dwarfed by what they could do with access to elements such as conditioned dry-copper-pairs. Expanding the BSE's of the ONA to include up to date UNEs is absolutely essential to promote fair competition. With access to the same raw materials afforded CLECs and ILECs, the seven thousand Independent ISPs would quickly bring broadband to rural America and help close the Digital Divide, just as they did when they provided dial-up in areas where the ILECs could not afford to go.

What, if any, developments in the ISP market should be considered in reexamining the effectiveness of the Computer III and ONA requirements?

The pronounced failure of the CLEC business model and the trend toward re-monopolization should provide the necessary basis to consider another approach and a modification of requirements. Accepting the fact that the monopolies have maintained their dominance and clearly aided in the failure of the CLEC model you must acknowledge that they are now training their guns on the next and last level of competition, the independent ISP.

In conclusion, I truly believe that If something is not done soon to correct this situation, we will be back to square one, and a tremendous cost will be paid by the consumer and the economy.

If you have any questions or require further information please call me at 603-594-9630 extension 207.

Sincerely,

Brian Susnock
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